

COMMITTEE ON GOVERNMENT AFFAIRS, VETERANS,  
ENERGY, AND ENVIRONMENTAL PROTECTION

07/02/2018-HELD IN COMMITTEE  
08/25/2017-HELD IN COMMITTEE

**BILL NO. 32-0062**

**Thirty-Second Legislature of the Virgin Islands**

**May 1, 2017**

An Act amending title 12 Virgin Islands Code, by adding a chapter 3A establishing the Community and Heritage Tree Law of the Virgin Islands

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**PROPOSED BY:** Senator Myron D. Jackson

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1 ***Be it enacted by the Legislature of the Virgin Islands:***

2       **SECTION 1.** Title 12 Virgin Islands Code is amended by adding a chapter 3A to  
3 read as follows:

4       **“Chapter 3A. Community and Heritage Tree Law**

5       **§ 131. Title**

6       This chapter may be cited as ‘The Community and Heritage Tree Law of the Virgin  
7 Islands.’

1           **§ 132. Findings**

2           Trees and shrubs provide important services to the people of the Virgin Islands and  
3           are known to assist with the natural control of solar heat, soil conservation, flood control,  
4           and air and noise pollution. They also provide a haven for wildlife and provide citizens  
5           with psychological relief from the increasing complexities of the manmade urban  
6           environment. Heritage trees are a people's living connection with their past and previous  
7           generations. Specifically:

8           (a)     Trees and forests improve the quality of life for residents of the Virgin  
9           Islands.

10          (b)     Forest lands and shade trees enhance the economic value of residential and  
11          commercial property.

12          (c)     Trees absorb carbon dioxide from the atmosphere, reduce the urban heat  
13          island effect and lower energy consumption, thereby mitigating global warming.

14          (d)     The Urban and Community Forestry Program of the United States Forest  
15          Service encourages, facilitates and provides information and technical assistance to  
16          government agencies and other entities that will encourage cooperative efforts to plan  
17          urban forestry programs, which are focused on planting, protecting, maintaining and  
18          utilizing trees in open spaces, greenbelts, roadside screens, parks, woodlands, curbs and  
19          residential developments in urban areas.

20          (e)     The Territorial Forester, through the Urban and Community Forestry  
21          Program, oversees forestry issues territory-wide and delivers urban and community

1 forestry support to the community. The Territorial Forester or his designee is responsible  
2 for developing and disseminating technical guidance and information and providing  
3 financial support for these programs.

4 (f) The Virgin Islands Urban and Community Forestry Council (“Forestry  
5 Council”) is an advisory body to the Territorial Forester comprising of sixteen  
6 representatives from government agencies, public utilities, related industries, private  
7 groups, non-profit organizations and individuals concerned with forestry education,  
8 conservation and development in the Virgin Islands.

9 (g) The Forestry Council assists the Territorial Forester in effective  
10 implementation of many aspects of the Forestry Program, including facilitating  
11 development, implementation and enforcement of the tree ordinance.

12 **§ 133. Purpose and Intent**

13 (a) This chapter encourages the conservation and preservation of trees in the  
14 Virgin Islands and provides a tool by which the community of the Virgin Islands may create  
15 and maintain healthy and vigorous community forests in public spaces. It ensures the  
16 proper care and preservation of urban trees, ensures that tree canopy cover is maintained  
17 and improved in order to protect the health, safety and welfare of its citizens and ensures a  
18 healthy, well-managed urban forest with high species diversity to co-exist with an urban  
19 infrastructure to the benefit of the people of the Virgin Islands.

20 (b) This chapter is intended to:

1           (1)     establish and maintain the maximum sustainable amount of tree  
2     cover on public lands, specifically the public right-of-way along roadsides and land  
3     around public buildings;

4           (2)     maintain publicly owned trees in a healthy and nonhazardous  
5     condition through established arboricultural practices;

6           (3)     create two Virgin Islands urban forester positions and establish a  
7     Virgin Islands Tree Board to support and advise them;

8           (4)     provide a process and mechanism by which hazardous public trees  
9     can be pruned or removed, if necessary, and give the public a forum in which to  
10    voice their opinions on tree removal;

11          (5)     guide the planning of new urban forests by using best management  
12    practices for selecting appropriate species for roadsides and planting them in  
13    suitable locations; and

14          (6)     establish a Heritage Tree Council to identify, protect and care for  
15    trees of cultural and historic significance.

16    (c)     This chapter provides regulations for the care and maintenance of public  
17    trees, public nuisance trees and heritage trees.

#### 18       **§ 134. Definitions**

19       In this chapter:

20          (1)     ‘ANSI’ means the American National Standards Institute.

1           (2)    ‘Arborist’ means a certified expert on tree care and maintenance  
2 certified by an institution such as the International Society of Arboriculture.

3           (3)    ‘Care’ means that which is required to maintain the maximum  
4 possible health and vigor of a tree or shrub.

5           (4)    ‘Contractor’ means a person, company or organization employed to  
6 supply necessary skills and services in planting, surveying, assessment, inventory,  
7 evaluation, pruning, trimming or removing trees and shrubs.

8           (5)    ‘Damage’ means physical or chemical injury or harm by man or  
9 nature done to any tree or shrub.

10          (6)    ‘Diameter at Breast Height - (dbh)’ means the total sectional  
11 diameter of a tree trunk or trunks measured 4.5 feet from the ground level.

12          (7)    ‘Heritage tree’ means any tree, public or private, which is  
13 determined pursuant to this chapter to be of intrinsic value to the general public  
14 because of its species, size, age, location, ecological importance, historical and  
15 cultural significance, aesthetic value, economic benefit, special character, or  
16 community benefit.

17          (8)    ‘Heritage Tree Council’ means the body that advocates for the  
18 protection and recognition of biologically, historically and culturally significant  
19 trees in the Virgin Islands.

20          (9)    ‘ISA’ means the International Society of Arboriculture.

1           (10) 'Private tree' means a tree or shrub not on publicly-owned land or  
2 within a public street right-of-way.

3           (11) 'Prune' means to remove dead or living parts from a tree or shrub  
4 so as to increase health, vigor and form or reduce hazard.

5           (12) 'Public road' means a road the title to which, or the easement for the  
6 use of which, is vested in a public body or governmental agency, such as the  
7 Government of the Virgin Islands.

8           (13) 'Public nuisance tree' means a tree or shrub that threatens the safety  
9 of the public, persons or public infrastructure. It includes trees and shrubs whose  
10 branches, trunks or roots unreasonably interfere with the flow of vehicular traffic  
11 on public roads and rights-of-way by impeding the movement of vehicles or the  
12 visibility to drivers, and trees and shrubs whose branches, trunks or roots  
13 unreasonably interfere with electric power transmission lines, telephone lines and  
14 cable lines or trees having large dead limbs hanging over public roadways.

15           (14) 'Public tree' means a tree or shrub on publicly owned land or within  
16 the right-of-way of a public street.

17           (15) 'Recommended tree list' means a list of tree species, including  
18 native species, approved by the Virgin Islands Tree Board that are suitable for  
19 planting on specific sites and for specific conditions within the right-of- way of a  
20 public road.

1           (16) ‘Right-of-way of a public road’ means land the title to which, or an  
2           easement for which, is held by the Federal or Territorial government for use as a  
3           public road.

4           (17) ‘Roadside tree’ means a plant that has a woody stem or trunk that  
5           grows in, or partially within, the right-of-way of a public road.

6           (18) ‘Territorial Forester’ means the Commissioner of Agriculture or  
7           another person appointed by the Governor as the head of a Virgin Islands forestry  
8           agency tasked by the United States Forest Service to provide territory-wide  
9           leadership in forestry matters; to deliver, through the Urban and Community  
10          Forestry Program, support to communities by developing partnerships,  
11          disseminating technical guidance and information, and to provide financial support  
12          for the establishment and growth of Urban and Community Forestry Programs.

13          (19) ‘Shrub’ means any self-supporting, woody, perennial plant growing  
14          upon the earth that usually produces several branches without any distinct head and  
15          usually does not exceed 10 feet in height at maturity.

16          (20) ‘Tree’ means a woody plant with a central trunk emerging from  
17          ground and acquiring a minimum height of 10 feet at maturity.

18          (21) ‘Virgin Islands Tree Board’ or “Tree Board” means the body that  
19          advises the Virgin Islands Urban Foresters and provides guidance on best  
20          management practices and evaluation regarding trees in road right-of-ways and  
21          other public places in the Virgin Islands.

1           (22) ‘Urban and Community Forestry Council (U&CF)’ or “Forestry  
2 Council” means the advisory council that assists the Territorial Forester to develop  
3 partnerships that prioritize, implement and evaluate Urban and Community  
4 Forestry Program goals.

5           (23) ‘Urban and Community Forestry Program’ or ‘U&CF Program’  
6 means a program through which information and technical assistance is provided  
7 to the Government of the Virgin Islands and others and encourages cooperative  
8 efforts to plan urban forestry programs and to evaluate, assess, plant, protect,  
9 maintain and utilize trees in urban areas with specific, stated program goals.

10          (24) ‘Urban Forest’ means individual trees and shrubs that grow in and  
11 around urban and suburban communities, including by roadsides on public and  
12 private lands and provide social and ecosystem services to the human communities  
13 around them.

14          (25) ‘Virgin Islands Urban Foresters’ or ‘Urban Foresters’ means the  
15 forestry and tree care professionals who are primarily responsible for addressing  
16 issues related to public trees, reviewing and responding to permit applications and  
17 for regulating and advising on planting, pruning and removal of urban trees. Urban  
18 Foresters also support appropriate forest and tree preservation activity, conduct  
19 research and promote the benefits of urban forestry.

20       **§ 135. Virgin Islands Urban Foresters**

1           (a)     To facilitate the implementation of this chapter, there is established within  
2 the Department of Agriculture the position of Urban Forester, one for the district of St.  
3 Croix and one for the district of St. Thomas and St. John. The Urban Forester shall work  
4 for and answer directly to the Territorial Forester or the Commissioner of Agriculture. The  
5 Urban Foresters must have a Master's degree from an accredited university or a Bachelor  
6 of Science degree and approximately five years of experience in the field of Forestry,  
7 Urban Forestry, Natural Resources Management, Planning or other related field.

8           (b)     The Urban Forester shall:

9                   (1)     advise and assist the Territorial Forester in all matters related to  
10 urban forestry in the Virgin Islands;

11                   (2)     manage the urban forests of the Virgin Islands;

12                   (3)     serve on the Tree Board;

13                   (4)     earn and maintain active and valid certification as an arborist by the  
14 International Society of Arboriculture or other certifying agencies;

15                   (5)     supervise or coordinate with the Departments of Agriculture, Public  
16 Works, Planning and Natural Resources, the Virgin Islands Water and Power  
17 Authority, Waste Management Authority and any other governmental entity to  
18 evaluate, assess, maintain, remove or plant trees on public property;

19                   (6)     grant or deny permit applications to prune, remove or plant public  
20 trees;

1           (7)     ensure that roadside and other public trees are not pruned, removed  
2     or planted without the permits as required by this chapter; and

3           (8)     ensure that a certified arborist is present at a permitted tree pruning,  
4     removal or planting and supervises and inspects the work.

5     **§ 136. Virgin Islands Tree Board**

6           (a)     There is established the Virgin Islands Tree Board to protect, manage,  
7     remove and establish trees on public property within the Virgin Islands. The members of  
8     the Tree Board are appointed by the Territorial Forester in consultation with the Forest  
9     Stewardship Program Coordinator and the Urban and Community Forestry Program  
10    Coordinator. The Tree Board consists of seven members with expertise or education in the  
11    fields of arboriculture, forestry, urban forestry and urban planning.

12          (b)     Persons initially appointed to the Tree Board serve either a one, two, three  
13    or a four-year term, as determined by the Territorial Forester. All subsequent membership  
14    must be for a term of four years. Succeeding members must be nominated by the original  
15    Tree Board members and approved by the membership. Vacancies on the Board are filled  
16    for the unexpired term in the same manner as the original appointment. The members serve  
17    without pay.

18          (c)     The Tree Board functions as a committee of the Forestry Council.

19          (d)     The Urban Foresters may seek input and advice from the Tree Board  
20    members, but are not members of the Tree Board.

1           (e)     The Tree Board shall draft policies, make recommendations and promote  
2 practices to preserve or increase the overall urban forest canopy of the Virgin Islands. The  
3 Tree Board members shall remain current and knowledgeable with the standards and  
4 practices of the American National Standards Institute, including ANSI A300; the  
5 International Society of Arboriculture and other professional organizations dedicated to the  
6 care and maintenance of trees.

7           (f)     The Board's policies must lead to properly managed urban and community  
8 forests, maintained with modern and safe tree care practices. The Board's planting  
9 recommendations must promote species diversity in urban and community forests, with an  
10 emphasis on native tree species that are suited for roadside conditions. The Tree Board  
11 shall:

12                   (1)     advise the Urban Foresters on technical urban forestry matters,  
13 including maintenance, removal, and planting of trees and shrubs within the rights-  
14 of-way of public streets and on publicly owned property and public easements,  
15 including utility easements, to insure safety and to preserve or enhance the  
16 aesthetics of such public sites;

17                   (2)     maintain and periodically update the recommended tree list;

18                   (3)     write, revise and maintain best management practices for tree  
19 pruning, removal and planting;

1           (4)     draft other appropriate standards as are deemed necessary, including  
2           the adoption of specific nursery standards, tree size requirements, and maintenance  
3           regimes; and

4           (5)     approve certified arborists to practice in the Virgin Islands.

5           **§ 137. Permits – Removal and Pruning**

6           (a)     Unless exempted under § 138, a permit must be obtained from the Urban  
7           Forester in each respective district for all types of work or treatments to public trees,  
8           including branch and root pruning and the removal of public trees.

9           (b)     The scope of work set forth in the application must conform to the  
10          guidelines and best management practices adopted by the Tree Board and must be approved  
11          by the Urban Foresters.

12          (c)     A major permit is a permit issued for a six-month period to entities or  
13          persons who conduct frequent roadside tree work. An application for a major permit must  
14          include the specific streets or areas where tree work will be conducted, but does not need  
15          to identify individual trees.

16          (d)     Permit applications must be submitted to the Urban Forester for approval  
17          prior to commencement of work. Permitted work must be performed under the supervision  
18          of a Board approved, certified arborist. The arborist's name, certification number,  
19          signature and the certifying agency must appear on all applications. The arborist is  
20          responsible for the quality of the work performed on site and for adherence to the scope of  
21          work approved under the permit.

1           (e)     It must be clearly stated in the permit application when roadside vegetation  
2 maintenance work requires the closure or a lane of the roadway or the redirection of motor  
3 vehicle traffic. The best management practices of the Tree Board or ANSI guidelines must  
4 be followed when planning lane closure. Roadside vegetation work may not be conducted  
5 on both directions of the roadway simultaneously.

6           (f)     Crews of the Virgin Islands Department of Public Works and the Virgin  
7 Islands Water and Power Authority, or their subcontractors are permitted to prune or  
8 remove public trees as needed in order to maintain properly functioning public  
9 infrastructure, such as roads, sidewalks, overhead utilities, or buried utilities. But a  
10 member of the crew must be a certified arborist or the crew must have a certified arborist  
11 who supervises the work, provides the written work plan and visits the worksite daily. An  
12 Urban Forester or a third-party arborist may serve as the supervisory arborist.

13           (g)     If a private contractor is engaged to prune or remove a public tree, the  
14 arborist who signs the permit application must prepare the work plan and review the work  
15 on a daily basis to ensure that the work is being executed according to the plan. The arborist  
16 may be the urban forester, an employee of the agency, or a private-sector contractor  
17 performing the work.

18           **§ 138. Exemptions from permitting**

19           (a)     A tree pruning permit is not required in instances where a tree comes in  
20 direct contact with public infrastructure, such as overhead power transmission lines, or in

1 any other circumstance that represents an immediate hazard to public safety or when a state  
2 of emergency has been declared by the Governor and emergency work is required.

3 **§ 139. Public Hearings**

4 (a) Notice of a public tree removal, pruning or planting must be posted advising  
5 the public of the date and description of tree that is to be removed. The notice must be  
6 posted in a prominent location and be visible from a public street. The notice must also be  
7 published in a newspaper of general circulation and broadcast on the radio for a period of  
8 not less than 14 days.

9 (b) The Tree Board shall hold a public hearing not less than 14 days prior to the  
10 tree removal. The Urban Forester and the applicant for the tree removal shall attend the  
11 hearing and members of the public may make comments at the hearing. The hearing may  
12 take place at the tree site or in an accessible, appropriate office or conference room.

13 (c) The date, time, location, species and number of replacement trees to be  
14 planted must be stated at the hearing.

15  
16  
17 **§ 140. Public tree removal**

18 (a) Trees with less than five inches dbh, tan tan trees (*Leucaena leucocephala*)  
19 and roadside brush may be removed without a permit.

20 (b) An application to remove a public tree must be submitted to the Urban  
21 Forester for approval in the form of a Public Tree Removal Permit Request.

1           (c)     A public tree may be removed if a certified arborist conducts a health and  
2     hazard assessment and determines that the tree presents a hazard. This assessment must  
3     accompany the permit for tree removal. When roadside trees are removed, new trees must  
4     be planted to replace those that were removed so that there is no net loss of urban forest  
5     cover.

6           (d)     Trees must be replanted in accordance with ANSI standards and other  
7     standards stated in the regulations promulgated by the Tree Board. The primary factors in  
8     determining which tree will replace a removed tree are the tree species and its trunk  
9     diameter at breast height (dbh), which must be selected from the list of recommended tree  
10    species pre-approved for roadside tree planting. Other species may be used upon approval  
11    by the Tree Board. Replacement trees do not need to be planted in the exact location of  
12    the removed tree, but in an appropriate location, as determined by a certified arborist.

13       **§ 141. Public tree planting**

14       An entity or person who wants to plant a tree in the road right-of-way or other public  
15    space must submit an application to an urban forester. Information regarding the location,  
16    spacing, tree species and the sizes of the trees must be included in the application. The  
17    urban forester shall ensure that a tree listed on the recommended tree species list is planted,  
18    that the recommendations and best management practices of the Tree Board are followed  
19    and that the planting and maintenance of the tree has been properly considered.

20       **§ 142. Private trees as public nuisance**

1           (a)     A certified arborist shall make the determination that a tree is a public  
2 nuisance tree.

3           (b)     The Urban Forester in accordance with the Virgin Islands Tree Board  
4 policies and best management practices has the right to prune or remove public nuisance  
5 trees that are located on private property.

6           (c)     The Urban Forester or an arborist designated by the Urban Forester has an  
7 automatic right-of-entry onto private property to inspect and remove public nuisance trees  
8 three days before or 10 days after a natural disaster, a hurricane or any other emergency, if  
9 the tree is within 15 feet of public roads, rights-of-way or a public or utility easements and  
10 presents a substantial risk to public health or safety.

11          (d)     The Urban Forester or the designated arborist has a right-of-entry for  
12 inspection onto private property, but must provide written notification and request  
13 permission to enter the property.

14          (e)     If the owner of private property refuses to allow the Urban Forester or an  
15 arborist designated by the Urban Forester to inspect the property, the Virgin Islands  
16 Department of Agriculture may compel inspection through legal process or other allowable  
17 means.

18          (f)     The Urban Forester shall inform owner of a public nuisance, in writing, 14  
19 days prior to the pruning or removal. This written notification must include the estimated  
20 cost of labor and materials required to remove or prune the tree and advise the property  
21 owner that the Government will incur the cost for this initial work, but that the property

1 owner will bear the costs of any subsequent work done on a public nuisance tree on his or  
2 her property. Any subsequent notice to the property owner regarding a public nuisance  
3 tree must include an estimate of the cost of the work, the time period within which the  
4 property owner must complete the work and advising that if the work is not completed  
5 within that time period, the Government will perform the work and bill the property owner  
6 for the costs of the work.

7 (g) If the owner of the public nuisance tree decides to prune or remove the tree,  
8 the work must be done in accordance with provisions of this chapter and the policies and  
9 best practices of the Tree Board. Tree pruning or removal to be conducted near power lines  
10 must be performed by a certified professional. Untrained, unlicensed or uninsured  
11 individuals are not permitted to work in the vicinity of public utility lines.

#### 12 **§ 143. Heritage Tree Council**

13 There is established a Heritage Tree Council within the Forestry Division of the  
14 Department of Agriculture. The Heritage Tree Council designates heritage trees and has  
15 oversight for their care and protection. The Heritage Tree Council is comprised of no more  
16 than seven members. Heritage trees include: trees around historic structures, “jumbie  
17 trees,” the largest or tallest tree of a species, or trees associated with culturally or  
18 historically significant events. The Heritage Tree Council shall work with the Virgin  
19 Islands Historic Preservation Commission, the State Historic Preservation Office  
20 (VISHPO), the Virgin Islands Landmarks Society and other appropriate agencies sharing  
21 similar goals to identify and locate heritage trees on private and public land. The Heritage

1 Tree Council shall maintain an inventory of the heritage trees and shall apply to the Virgin  
2 Islands Historic Preservation Commission to have heritage trees entered into the Registry  
3 of Historic Buildings, Sites, and Places and apply to VISHPO to have heritage trees entered  
4 into the National Register of Historic Places.

5 **§ 144. Preservation**

6 (a) No heritage tree may be pruned, removed or damaged in any way unless an  
7 Urban Forester, a designated arborist or the Territorial Forester determines that there is an  
8 overriding need for public improvements or a severe hardship exists for reasonable use of  
9 a site.

10 (b) If an Urban Forester, the designated arborist or the Territorial Forester  
11 determines that a heritage tree needs to be pruned, removed, or is otherwise damaged, the  
12 Heritage Tree Council shall determine the appropriate means to address that need above  
13 and beyond that which is required for non-heritage trees. The Heritage Tree Council shall  
14 issue a written document specifying which tree, the action permitted, its location and the  
15 findings justifying the permission. Nothing in this section prevents Heritage Tree Council  
16 from authorizing the removal of a heritage tree, if a certified arborist or the Urban Forester  
17 determines that the tree is dead, has become irreversibly diseased, irreversibly damaged by  
18 natural causes, or presents a hazard to the public. Pruning of any heritage tree must be  
19 conducted in accordance with Tree Board policies and with the consent of the Heritage  
20 Tree Council.

1           **§ 145. Enforcement**

2           (a)     The Territorial Forester shall enforce the provisions of this chapter and may  
3     issue citations or institute legal proceedings for violations of this chapter.

4           (b)     If it becomes necessary, the Territorial Forester may request assistance from  
5     the Department of Planning and Natural Resources in the enforcement of this chapter.

6           **§ 146. Penalties**

7           (a)     Any person or entity that violates any provision of this chapter by causing,  
8     contributing to, or permitting the injury of, removal or destruction of a public tree, shrub  
9     or a heritage tree is subject to a civil penalty of not less than \$100, but not more than \$500  
10    for each violation.

11          (b)     Penalties may be imposed by the issuance of a citation by the Territorial  
12    Forester. Any person or entity served with a citation has 30 days to pay the fine or to  
13    appeal the citation to the Superior Court of the Virgin Islands.

14          **§ 147. Exceptions**

15          This chapter does not apply to work conducted on federal property, emergency  
16    work to protect life, limb or property or to activities with minor effects on trees, such as  
17    collecting fruit from trees, home gardening and landscaping of individual homes.”

18          **SECTION 2.** Title 29 Virgin Islands Code, chapter 3 subchapter III, section 282  
19    is amended by inserting “heritage trees” after “areas” and after by inserting “heritage trees  
20    and” after “steps”.  
21

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**BILL SUMMARY**

3

Section 1 of this bill adds a chapter 3A to title 12 Virgin Islands Code to be cited as the Community and Heritage Tree Law of the Virgin Islands. Internal section 132 sets forth the findings regarding trees and shrubs in the Virgin Islands and internal section 133 sets forth the intent and purpose of the legislation. Internal section 134 defines the various terms used throughout the legislation. Internal section 135 provides for the creation of a position within the Department of Agriculture for the Urban Foresters, the qualifications necessary to be hired as an Urban Forester and the Urban Forester's duties and responsibilities.

11

Internal section 136 provides for the creation of the Virgin Islands Tree Board and sets forth how many members, the members' qualifications, the term of membership and the Tree Board's duties and responsibilities.

14

Internal section 137 sets forth when a permit to prune or remove a tree is necessary and what information must be provided in the permit. It also provides for a major permit and that crews from the Virgin Islands Water and Power Authority, Public Works and private contractors may remove or prune trees and the conditions that must be met to do so.

19

Internal section 138 sets forth the circumstances when a permit may not be necessary. Internal section 139 provides for a public hearing when a tree is to be removed or pruned, what notice is required and who must attend the public hearing. Internal section

21

1 140 sets forth the circumstances and conditions that must be met to remove a public tree.  
2 It also provides for the replanting of a public tree and the conditions that have to be met.  
3 Internal section 141 provides for the planting of public trees and the terms and conditions  
4 of replanting.

5 Internal section 142 provides for the removal of trees on private property that are  
6 considered a public nuisance. It provides that the Urban Forester may enter onto private  
7 land and inspect for public nuisance trees and the notification that is necessary for entry  
8 onto the property. It also provides that Department of Agriculture may compel inspection  
9 through legal means if the Urban Forester is denied entry onto private property. It provides  
10 that the Government will incur the cost of the first time removal of a public nuisance tree,  
11 but the landowner will have to pay subsequent removal costs. It provides for the removal  
12 of public nuisance trees on private property by licensed, qualified personnel only.

13 Internal section 143 provides for the creation of a Heritage Tree Council. The  
14 Council will designate and preserve heritage trees and work with other institutions that  
15 work towards the preservation of trees with historical and cultural significance. Internal  
16 section 144 sets forth the protocol for the pruning or removal of heritage trees.

17 Internal section 145 provides that the Department of Agriculture is responsible for  
18 the enforcement of the provisions of chapter 3A of title 12 Virgin Islands Code.

19 Internal section 146 set forth the penalties for violations of the provisions of the  
20 chapter.

1 Internal section 147 states the instances where the provisions of chapter 3A do not  
2 apply.

3 Section 2 amends 29 VIC § 282 to provide for the process by which heritage trees  
4 may be included in the Virgin Islands Registry of Historic Buildings, Sites, and Places and  
5 in the Nation Registry of Historic Places.

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7 **BR17-0120/February 13, 2017/SLR**

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